

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

POWER INVESTMENTS, LLC,)	
)	
Plaintiff/Counterclaim)	
Defendant,)	
)	Case No. 4:21-cv-01022-SEP
vs.)	
)	
CARDINALS PREFERRED, LLC,)	
)	
Defendant/Counterclaim)	
Plaintiff.)	

STIPULATION AND ORDER

WHEREAS, Power Investments, LLC (“Power”) filed a Motion for Partial Summary Judgment in this action on September 13, 2021;

WHEREAS, on October 4, 2021, Cardinals Preferred, LLC (“Cardinals,” and, together with Power, the “Parties”) filed a Motion for Relief Pursuant to F.R.C.P. 56(d) in response to Plaintiff’s Motion for Partial Summary Judgment.

WHEREAS, Cardinals filed a Motion to Amend the Case Management Order on January 21, 2022;

WHEREAS, Power filed a Motion for Sanctions on January 28, 2022;

WHEREAS, Power filed a second Motion for Sanctions on February 21, 2022;

WHEREAS, Cardinals filed a Motion to Disqualify Armstrong Teasdale LLP as Counsel for Plaintiff and to Stay Proceedings on February 21, 2022;

IT IS HEREBY STIPULATED AND AGREED, by the Parties, through undersigned counsel, and subject to the approval of the Court, that the Parties jointly submit to the following:

1. Power requests the Court to withdraw its Motion for Partial Summary Judgment filed on September 13, 2021 (Docket No. 25) without prejudice. Power intends to file a new summary judgment motion on or before June 30, 2022 in accordance with the new Case Management Order being jointly requested by the Parties and filed simultaneously herewith (the “New CMO”).

2. Once Power’s Motion for Partial Summary Judgment is withdrawn, Cardinals’ Motion for Relief Pursuant to F.R.C.P. 56(d) filed on October 4, 2021 (Docket No. 32) will be moot and, accordingly, Cardinals requests that the Court withdraw its Motion for Relief Pursuant to F.R.C.P. 56(d).

3. Once the New CMO is entered by the Court, Cardinals requests that the Court withdraw its Motion to Amend the Case Management Order filed on January 21, 2022 (Docket No. 65).

4. Power requests that the Court withdraw its Motion for Sanctions filed on January 28, 2022 (Docket No. 74) and its second Motion for Sanctions filed on February 21, 2022 (Docket No. 84).

5. Armstrong Teasdale LLP is simultaneously herewith filing a motion to withdraw its appearance in this matter for Power.

6. Cardinals requests that the Court withdraw its Motion to Disqualify Armstrong Teasdale LLP as Counsel for Plaintiff and to Stay Proceedings, filed on February 21, 2022 (Docket No. 85), to be effective upon the Court granting Armstrong Teasdale’s motion to withdraw.

7. In entering this Stipulation, no Party is expressing a view on the merits of any of the Pending Motions.

It is SO ORDERED.

Dated this 11th day of March, 2022.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE